

Panaji, 19th May, 1977 (Vaisaka 29, 1899)

SERIES I No. 7



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

## Notification

1-43(2)/74-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the Group 'B' posts in the Directorate of Archives under the Government of Goa, Daman and Diu.

**1. Short title.** — These rules may be called Government of Goa, Daman and Diu Directorate of Archives Group 'B' Gazetted posts Recruitment Rules, 1977.

**2. Application.** — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules.

**3. Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in column 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) The maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time.
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment unless the Government after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.
- 5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.
- 6. These rules are issued in supersession of any existing rules for the posts, and with approval of the Union Public Service Commission granted under their letter No. F. 3/29(3)/75-RR dated 7th August, 1976.

W. Shaiza  
Chief Secretary

Panaji, 25th February, 1977.

SCHEDULE

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Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1. Scientific Officer (Preservation)	1	General Central Service Group 'B' Gazetted	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200	Selection	Not exceeding 35 years (Relaxable for Govt. servants)**	<b>Essential:</b> i) At least Second Class Master's degree in Chemistry or Physics of a recognised University or equivalent.  ii) 3 years' experience of research or teaching or work in a Govt. Records Office.	Age: No. Educational Qualifications: To the extent indicated in column 11.	2 years.	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<b>Promotion:</b> Assistant Chemist with 3 years' service in the grade rendered after appointment thereto on a regular basis & possessing a Master's degree in Chemistry / Physics of a recognised University or an equivalent qualification.	<b>Transfer on deputation:</b> Officers under the Central / State Govts. holding analogous posts or with at least 3 years' service in posts in the scale of Rs. 550-900 or equivalent and possessing educational and other qualifications mentioned in column 7.	<b>Group 'B' Departmental Promotion Committee.</b> Consisting of Chief Secretary, Goa Development Commissioner, Goa and Director of Archives Goa.	Consultation necessary while making direct recruitment, confirmation of a direct recruit and appointing a state Govt. officer on deputation.

\*\*Note:— The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

- iii) Experience in repair and/or preservation of records in a Government Records Office.
- iv) Knowledge of Konkani and / or Marathi.

	— do —	— do —	— do —	— do —
2. Assistant Superintending Archaeologist	1			
3. Registration Officer	1			

**Essential:**

- i) At least Second Class Master's degree of a recognised University or equivalent in Indian History or Archaeology, with an Indian Classical language as a subject at degree level.

OR

At least Second Class Mater's degree of a recognised University or equivalent in an Indian Classical language with Indian History or Archaeology as a subject at degree level.

**Note:** Candidates who have not offered an Indian Classical language or Indian History or Archaeology as the case may be, as a subject at degree level, will also be considered; but if selected, they will be required to pass special Departmental Examination in the relevant subject before confirmation).

— do —      — do —

50% by promotion failing which by transfer on deputation and failing both by direct recruitment; and 50% by direct recruitment.

**Promotion:**

Exploration Officer with 3 years' service in the grade rendered after appointment thereto on a regular basis and possessing a Master's degree in any of the subjects prescribed for direct recruits in Col. 7

**Transfer on deputation:**

Officers under the Central / State Govts. holding analogous posts or with at least 3 years' service in posts in the scale of Rs. 550-900 or equivalent and possessing educational and other qualifications mentioned in column 7.

(Period of deputation shall ordinarily not exceed 3 years).



cretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them.)

*Desirable:*

- i) Knowledge of Western Architecture.
- ii) Knowledge of Konkani and/or Marathi.

*Essential:*

- i) At least 2nd Class Master's degree in Indian History of a recognised University or equivalent.
- ii) 3 years' experience of research in Modern Indian History/teaching of Modern Indian History in a College or University/work in a Archival Office.
- iii) Degree in Portuguese or Curso Complementar of Arts/Science from Lyceum.

(Note: Candidates who do not possess E. Q. (iii) will also be considered, but, if selected, they will be required to pass a special Departmental Examination in the Portuguese Language before confirmation).

(Qualifications relaxable at the discretion of the Union Public Service Commission in

5. Archivist (General)—1  
6. Archivist (Management) —1  
7. Archivist (Publication)—1

3

General Rs. 650-30-  
Central -740-35-810-  
Service -EB-35-880-  
Group 'B' -40-1000-  
Gazetted -EB-40-1200

Selection Not exceeding 35 years  
(Relaxable  
for Govt.  
servants)\*\*

\*\*Note:— The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

Age: No. Educational Qualifications:  
To the extent indicated in column 11.

2 years. 50% by promotion failing which by transfer on deputation and failing both by direct recruitment; 50% by direct recruitment.

*Promotion:*  
Asstt. Archivist Grade I (General) and Research Assts. with 3 years' service in the respective grades rendered after appointment thereto on a regular basis and possessing a Masters' degree in Indian History of a recognised University or an equivalent qualification.

(Note: Those who do not possess E. Q. (iii) prescribed for direct recruits will have to pass a special departmental examination during the period of probation).

*Transfer on deputation:*

Officers under the Central / State Govts. holding analogous posts or with at least 3 years' service in posts in the scale of Rs. 550-900 or equivalent and possessing educational and other qualifi-

Group 'B' Departmental Promotion Committee. Consisting of Chief Secretary, Goa Development Commissioner, Goa and Director of Archives Goa.

Consultation necessary while making direct recruitment, confirmation of a direct recruit and appointing a State Govt. officer on deputation.

1	2	3	4	5	6	7	8	9	10	11	12	13
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case of candidates otherwise well qualified; in particular the qualifications regarding experience is relatable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them.)

*Desirable:*

- i) Knowledge of Archival Science.
- ii) Knowledge of typography and proof of reading.
- iii) Knowledge of Konkani / or Marathi (Modi Script).

(Period of deputation shall ordinarily not exceed 3 years).

8. Assistant Chemist      1      General      Rs. 550-25-  
Central Service      -750-EB-  
Group 'B' Gazetted      Selection Not exceeding 30 years  
-30-900  
(Relaxable for Govt. servants)\*\*

**\*\*Note:** — The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

*Essential:*      No.      2 years. By promotion failing which by transfer on deputation and failing both by direct recruitment.

- i) At least Second Class Master's Degree in Chemistry or Physics of a recognised University or equivalent.
- ii) Some experience of research/teaching or work in a Govt. Records Office.

(Qualifications relatable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relatable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them.)

*Desirable:*

- i) Training in modern methods of

*Promotion:*      Group 'B' Departmental Promotion Committee. Consisting of Chief Secretary, Goa Development Commissioner, Goa and Director of Archives Goa.

*Transfer on deputation:*      Consultation necessary while making direct recruitment, confirmation of a direct recruitment and appointing a state Govt. officer on deputation.

Officers under the Central / State Govts. holding analogous posts or with at least 5 years' service in posts in the scale of Rs. 425-700 or equivalent and possessing educational and other qualifications mentioned in column 7.

(Period of deputation shall ordinarily not exceed 3 years).

rehabilitation and preservation of records in a leading archival institution or research in allied fields.

OR

Experience in repair and/or preservation of Archives.

- ii) Knowledge of Konkani and/or Marathi.

9. Curator 1 — do — do — N. A. — do —

*Essential:*

- i) At least 2nd Class Master's degree in Archaeology / Indian History / Arabic / Persian / Sanskrit / Pali / Prakrit of a recognised University or equivalent.
- ii) One year's experience in a Museum of standing or a comparable institution.

(Qualifications relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them.)

*Desirable:*

- i) Diploma in Museology.
- ii) Knowledge of Western Architecture.
- iii) Knowledge of Konkani and/or Marathi.

Not applicable. 2 years. By direct recruitment.

N.A.

Not applicable

Selection shall be made in Consultation with the Union Public Service Commission.

1	2	3	4	5	6	7	8	9	10	11	12	13
10. Assistant Archivist Grade I (General)—1		General Central Service Group 'B' Gazetted	Rs. 550-25-750-EB-30-900	Selection	Not exceeding 30 years (Relaxable for Govt. servants)**	<b>Essential:</b> i) At least 2nd Class Master's degree in Indian History of a recognised University or equivalent. ii) Some experience of research in Modern Indian History / teaching of Modern Indian History in a University or College/work in an Archival Office. iii) Degree in Portuguese or Curso Complementar of Arts/Science from Lyceum.	No.	2 years.	50% by promotion failing which by transfer on deputation and failing both by direct recruitment; 50% by direct recruitment.	<b>Promotion:</b> Asstt. Archivist Grade II (General), Asstt. Archivist (Junior) and Research Asstt. (Junior) with 5 years' service in the respective grade rendered after appointment thereto on a regular basis.	<b>Group 'B' Departmental Promotion Committee.</b> Consisting of Chief Secretary, Goa Development Commissioner, Goa and Director of Archives Goa.	Consultation necessary while making direct recruitment, confirmation of a direct recruit and appointing a state Govt. officer on deputation.
11. Research Assistant—2		3	<b>**Note:</b> —The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).									

(Note: Candidates who do not possess E. Q. (iii) will also be considered, but, if selected, they will be required to pass a special Departmental Examination in the Portuguese Language before confirmation).

(Qualifications relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them.)

**Desirable:**

- i) Knowledge of Archival Science.
- ii) Knowledge of Konkani and/or Marathi (Modi Script).

(Period of deputation shall ordinarily not exceed 3 years).

12. Exploration Officer	1	— do —	— do —	— do —	— do —	<b>Essential:</b>	No.	— do —	<b>Promotion:</b>	— do —	— do —
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- i) At least Second Class Master's degree of a recognised University or equivalent in Indian History or Archaeology, with an Indian Classical language as a subject at degree level.

**OR**

At least Second Class Master's degree of a recognised University or equivalent in an Indian Classical language with Indian Classical language with Indian History or Archaeology as a subject at degree level.

(Note : Candidates who have not offered an Indian Classical language or Indian History or Archaeology as the case may be, as a subject at degree level, will also be considered; but if selected, they will be required to pass a special Departmental Examination in the relevant subject before confirmation).

- ii) One year's practical experience in field Archaeology.

(Qualifications relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them).

**Desirable:**

- i) Knowledge of Indian Paleography.  
ii) Knowledge of Konkani and/or Marathi.

By promotion failing which by transfer on deputation and failing both by direct recruitment.

**Exploration Asstt.**  
with 5 years' service in the grade rendered after appointment thereto on a regular basis.

**Transfer on Deputation:**

Officers under the Central/State Govts. holding analogous posts or with at least 5 years' service in posts in the scale of Rs. 425-700 or equivalent and possessing educational and other qualifications mentioned in column 7.

(Period of deputation shall ordinarily not exceed 3 years).

Law and Judiciary Department

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Notification

LD/6015/IX/76

The following Central Acts (1) The Dhoties (Additional Excise Duty) Repeal Act, 1976 (93 of 1976) (2) The Factories (Amendment) Act, 1976 (94 of 1976) which were recently passed by the Parliament and assented to by the President of India on 4-9-76 and published in the Gazette of India Part II, Section I dated 6-9-76 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st December, 1976

—  
The Dhoties (Additional Excise Duty) Repeal Act, 1976

AN

ACT

*to repeal the Dhoties (Additional Excise Duty) Act, 1953.*

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Dhoties (Additional Excise Duty) Repeal Act, 1976.

2. *Repeal of Act 39 of 1953.* — The Dhoties (Additional Excise Duty) Act, 1953, is hereby repealed.

—  
The Factories (Amendment) Act, 1976

AN

ACT

*further to amend the Factories Act, 1948.*

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Factories (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.* — In section 2 of the Factories Act, 1948 (hereinafter referred to as the principal Act), —

(1) in clause (k), —

(a) for sub-clause (ii), the following sub-clause shall be substituted, namely: —

“(ii) pumping oil, water, sewage or any other substance; or”;

(b) in sub-clause (iv) and sub-clause (v), the word “or” shall be inserted at the end;

(c) after sub-clause (v), the following sub-clause shall be inserted, namely: —

“(vi) preserving or storing any article in cold storage;”;

(2) in clause (l), —

(a) for the words “employed, directly or through any agency, whether for wages or not”, the words and brackets “employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not” shall be substituted;

(b) the following words shall be inserted at the end, namely: —

“but does not include any member of the armed forces of the Union”;

(3) in clause (m), —

(a) in the concluding paragraph, for the words “a railway running shed”, the words “a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place” shall be substituted;

(b) the following *Explanation* shall be inserted at the end, namely: —

*Explanation.* — For computing the number of workers for the purposes of this clause all the workers in different relays in a day shall be taken into account;”;

(4) in clause (n), the following proviso shall be inserted at the end, namely: —

“Provided that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire, —

(1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter provided for by or under —

(a) section 6, section 7, section 11 or section 12;

(b) section 17, in so far as it relates to the providing and maintenance of sufficient and suitable lighting in or around the dock;

(c) section 18, section 19, section 42, section 46, section 47 or section 49, in relation to the workers employed on such repair or maintenance;

(2) the owner of the ship or his agent or master or other officer-in-charge of the ship or any person who contracts with such owner, agent or master or other officer-in-charge to carry out the repair or maintenance work shall be deemed to be the occupier for the purposes of any matter provided for by or under section 13, section 14, section 16 or section 17 (save as otherwise provided in this proviso) or Chapter IV (except section 27) or section 43, section 44 or section 45, Chapter VI, Chapter VII, Chapter VIII or Chapter IX or section 108, section 109 or section 110, in relation to —

(a) the workers employed directly by him, or by or through any agency; and

(b) the machinery, plant or premises in use for the purpose of carrying out such repair or maintenance work by such owner, agent, master or other officer-in-charge or person;”.

**3. Amendment of section 5.**— In section 5 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*— For the purposes of this section “public emergency” means a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance.”

**4. Amendment of section 6.**— In section 6 of the principal Act,—

(a) clause (a) of sub-section (1) shall be re-lettered as clause (aa), and before the clause as so re-lettered, the following clause shall be inserted, namely:—

“(a) requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government;”;

(b) in sub-section (2), for the word, brackets and letter “clause (a)”, the word, brackets and letters “clause (aa)” shall be substituted;

(c) in the *Explanation*, the words “if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes injurious to health” shall be inserted at the end.

**5. Amendment of section 7.**— In section 7 of the principal Act, in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

“(e) the total rated horse power installed or to be installed in the factory, which shall not include the rated horse power of any separate stand-by plant;”.

**6. Amendment of section 8.**— In section 8 of the principal Act,—

(a) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) The State Government may, by notification in the Official Gazette, appoint as many Additional Chief Inspectors, Joint Chief Inspectors and Deputy Chief Inspectors and as many other officers as it thinks fit to assist the Chief Inspector and to exercise such of the powers of the Chief Inspector as may be specified in such notification.

(2B) Every Additional Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector and every other officer appointed under sub-section (2A) shall, in addition to the powers of a Chief Inspector specified in the notification by which he is appointed, exercise the powers of an Inspector throughout the State.”;

(b) in sub-section (3), after the word, brackets, figure and letter “sub-section (2)”, the word, brackets, figure and letter “, sub-section (2A)” shall be inserted;

(c) in sub-section (7), for the words “Every Chief Inspector and Inspector”, the words “Every Chief Inspector, Additional Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector, Inspector and every other officer appointed under this section” shall be substituted.

**7. Amendment of section 10.**— In section 10 of the principal Act, in sub-section (3), the following proviso shall be inserted at the end, namely:—

“Provided that the State Government may, by order in writing and subject to such conditions as may be specified in the order, exempt any person or class of persons from the provisions of this sub-section in respect of any factory or class or description of factories.”

**8. Amendment of section 11.**— In section 11 of the principal Act,—

(1) in sub-section (1), in clause (d),—

(a) in sub-clause (i), for the word “painted”, the words “painted otherwise than with washable water-paint” shall be substituted;

(b) after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) where they are painted with washable water paint, be repainted with at least one coat of such paint at least once in every period of three years and washed at least once in every period of six months;”;

(c) after clause (d), the following clause shall be inserted, namely:—

“(dd) all doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished and the painting or varnishing shall be carried out at least once in every period of five years;”;

(2) in sub-section (2),—

(a) for the words “in a factory”, the words “in a factory or class or description of factories or any part of a factory or class or description of factories” shall be substituted;

(b) after the words “description of factories”, the words “or part” shall be inserted.

**9. Amendment of section 12.**— In section 12 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.”.

**10. Amendment of section 21.**— In section 21 of the principal Act, in sub-section (1),—

(a) in the concluding paragraph, for the words “shall be kept in position”, the words “shall be constantly maintained and kept in position” shall be substituted;

(b) for the proviso, the following proviso shall be substituted, namely:—

“Provided that for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when—

(i) it is necessary to make an examination of any part of the machinery aforesaid while it is in motion or, as a result of such examina-

tion, to carry out lubrication or other adjusting operation while the machinery is in motion, being an examination or operation which it is necessary to be carried out while that part of the machinery is in motion, or

(ii) in the case of any part of a transmission machinery used in such process as may be prescribed (being a process of a continuous nature the carrying on of which shall be, or is likely to be, substantially interfered with by the stoppage of that part of the machinery), it is necessary to make an examination of such part of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts or lubrication or other adjusting operation while the machinery is in motion,

and such examination or operation is made or carried out in accordance with the provisions of sub-section (1) of section 22.”.

**11. Amendment of section 22.** — In section 22 of the principal Act, in sub-section (1), for the opening paragraph and clause (a), the following shall be substituted, namely: —

“Where in any factory it becomes necessary to examine any part of machinery referred to in section 21, while the machinery is in motion, or, as a result of such examination, to carry out —

(a) in a case referred to in clause (i) of the proviso to sub-section (1) of section 21, lubrication or other adjusting operation; or

(b) in a case referred to in clause (ii) of the proviso aforesaid, any mounting or shipping of belts or lubrication or other adjusting operation,

while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing (which shall be supplied by the occupier) whose name has been recorded in the register prescribed in this behalf and who has been furnished with a certificate of his appointment, and while he is so engaged, —

(a) such worker shall not handle a belt at a moving pulley unless —

(i) the belt is not more than fifteen centimetres in width;

(ii) the pulley is normally for the purpose of drive and not merely a fly-wheel or balance wheel (in which case a belt is not permissible);

(iii) the belt joint is either laced or flush with the belt;

(iv) the belt, including the joint and the pulley rim, are in good repair;

(v) there is reasonable clearance between the pulley and any fixed plant or structure;

(vi) secure foothold and, where necessary secure handhold, are provided for the operator; and

(vii) any ladder in use for carrying out any examination or operation aforesaid is securely fixed or lashed or is firmly held by a second person.”.

**12. Amendment of section 24.** — In section 24 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) When a device, which can inadvertently shift from “off” to “on” position, is provided in a factory to cut off power, arrangements shall be provided for locking the device in safe position to prevent accidental starting of the transmission machinery or other machines to which the device is fitted.”.

**13. Amendment of section 31.** — In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) The State Government may, by rules, exempt, subject to such conditions as may be specified therein, any part of any plant or machinery referred to in sub-section (1) from the provisions of this section.”.

**14. Amendment of section 32.** — In section 32 of the principal Act, —

(1) in clause (a), after the words “properly maintained”, the words “and shall be kept free from obstructions and substances likely to cause persons to slip” shall be inserted;

(2) after clause (b), the following clause shall be inserted namely: —

“(c) when any person has to work at a place from where he is likely to fall a distance exceeding two metres, then unless the place is one which provides secure foothold and, where necessary, secure handhold, provision shall be made, so far as is reasonably practicable, by fencing or otherwise, to ensure the safety of the person so working.”.

**15. Amendment of section 36.** — In section 36 of the principal Act, sub-section (2) shall be omitted.

**16. Insertion of new section 36A.** — After section 36 of the principal Act, the following section shall be inserted, namely: —

**“36A. Precautions regarding the use of portable electric light.** — In any factory —

(a) no portable electric light or any other electric appliance of voltage exceeding twenty-four volts shall be permitted for use inside any chamber, tank, vat, pit, pipe, flue or other confined space; and

(b) if any inflammable gas, fume or dust is likely to be present in such chamber, tank, vat, pit, pipe, flue or other confined space, no lamp or light other than that of flame-proof construction shall be permitted to be used therein.”.

**17. Amendment of section 38.** — In section 38 of the principal Act, —

(i) for sub-section (1), the following sub-section shall be substituted, namely: —

“(1) In every factory there shall be provided such means of escape in case of fire as may be prescribed.”;

(ii) after sub-section (7), the following sub-sections shall be inserted, namely: —

“(8) Notwithstanding anything contained in sub-section (1) or sub-section (7), if the Ins-

pector, having regard to the nature of the work carried on in the factory, construction of the factory, special risk to life or safety or any other circumstance, is of the opinion that though such means of escape as may be prescribed have been provided in the factory, the same is not adequate to permit safe, easy or quick exit of the workers in case of fire, he may, by order in writing, require that such additional means of escape or other measures as he may consider reasonable and necessary be provided in the factory before such date as is specified in the order.

(9) If any question arises whether or not the means of escape provided in the factory is adequate to permit safe, easy or quick exit of the workers in case of fire, the same shall be referred to the Chief Inspector, who shall, after giving the persons concerned a reasonable opportunity to represent their views, decide the same.

(10) Any person aggrieved by the decision of the Chief Inspector under sub-section (9) may, before the expiry of thirty days from the date on which the decision is communicated to him, prefer an appeal to the State Government and the State Government shall after giving the appellant a reasonable opportunity to represent his views, make such order in relation to the appeal as it thinks fit.”.

18. *Amendment of sections 39 and 40.*—In section 39 and section 40 of the principal Act, for the words “the manager”, wherever they occur, the words “the occupier or manager or both” shall be substituted.

19. *Insertion of new sections 40A and 40B.*—After section 40 of the principal Act, the following sections shall be inserted, namely:—

**“40A. Maintenance of buildings.**—If it appears to the Inspector that any building or part of a building in a factory is in such a state of disrepair as is likely to lead to conditions detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order.

**40B. Safety Officers.**—(1) In every factory,—

(i) wherein one thousand or more workers are ordinarily employed, or

(ii) wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease, or any other hazard to health, to the persons employed in the factory,

the occupier shall, if so required by the State Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification.

(2) The duties, qualifications and conditions of service of Safety Officers shall be such as may be prescribed by the State Government.”.

20. *Amendment of section 41.*—In section 41 of the principal Act, for the word “devices”, the words “devices and measures” shall be substituted.

21. *Amendment of section 45.*—In section 45 of the principal Act,—

(a) in sub-section (3), for the words “who is trained in first-aid treatment”, the words “who holds a certificate in first-aid treatment recognised by the State Government” shall be substituted;

(b) in sub-section (4),—

(i) for the word “employed”, the words “ordinarily employed” shall be substituted;

(ii) the words “and those facilities shall always be made readily available during the working hours of the factory” shall be inserted at the end.

22. *Amendment of section 46.*—In section 46 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(dd) the items of expenditure in the running of the canteen which are not to be taken into account in fixing the cost of foodstuffs and which shall be borne by the employer;”.

23. *Amendment of section 48.*—In section 48 of the principal Act, in sub-section (1), for the words “fifty women workers”, the words “thirty women workers” shall be substituted.

24. *Amendment of section 56.*—In section 56 of the principal Act, in the proviso, for the words “spread over to twelve hours”, the words “spread over up to twelve hours” shall be substituted.

25. *Amendment of section 59.*—In section 59 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:—

(2) For the purposes of sub-section (1), “ordinary rate of wages” means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains and other articles, as the worker is for the time being entitled to, but does not include a bonus and wages for overtime work.

(3) Where any workers in a factory are paid on a piece-rate basis, the time rate shall be deemed to be equivalent to the daily average of their full-time earnings for the days on which they actually worked on the same or identical job during the month immediately preceding the calendar month during which the overtime work was done, and such time rates shall be deemed to be the ordinary rates of wages of those workers:

Provided that in the case of a worker who has not worked in the immediately preceding calendar month on the same or identical job, the time rate shall be deemed to be equivalent to the daily average of the earnings of the worker for the days on which he actually worked in the week in which the overtime work was done.

*Explanation.*—For the purposes of this sub-section in computing the earnings for the days on which the worker actually worked such allow-

ances, including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains and other articles, as the worker is for the time being entitled to, shall be included but any bonus or wages for overtime work payable in relation to the period with reference to which the earnings are being computed shall be excluded.'

26. *Amendment of section 62.*—In section 62 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No adult worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of adult workers".

27. *Amendment of section 64.*—In section 64 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "confidential position in a factory", the words "or empowering the Chief Inspector to declare any person, other than a person defined by such rules, as a person holding position of supervision or management or employed in a confidential position in a factory if, in the opinion of the Chief Inspector, such person holds such position or is so employed" shall be inserted;

(ii) the words "or declared" shall be inserted at the end;

(iii) the following proviso shall be inserted at the end, namely:—

"Provided that any person so defined or declared shall, where the ordinary rate of wages of such person does not exceed rupees seven hundred and fifty per month, be entitled to extra wages in respect of overtime work under section 59.";

(b) in sub-section (2),—

(i) in clause (e) and clause (h), for the word and figures "section 52", the words and figures "section 51 and section 52" shall be substituted;

(ii) in clause (f), for the word and figures "section 52", the words and figures "section 51, section 52 and section 54" shall be substituted;

(iii) in clause (j), after the words "railway wagons", the words "or lorries or trucks" shall be inserted;

(iv) after clause (j), the following clause shall be inserted, namely:—

"(k) of workers engaged in any work, which is notified by the State Government in the Official Gazette as a work of national importance, from the provisions of section 51, section 52, section 54, section 55 and section 56.;"

(c) in sub-section (4), clause (iii) shall be re-numbered as clause (iv) and before clause (iv) as so re-numbered, the following clause shall be inserted, namely:—

"(iii) the total number of hours of work in a week, including overtime, shall not exceed sixty;";

(d) in sub-section (5), for the words "three years", the words "five years" shall be substituted.

28. *Amendment of section 65.*—In section 65 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Any exemption granted under sub-section (2) shall be subject to the following conditions, namely:—

(i) the total number of hours of work in any day shall not exceed twelve;

(ii) the spread over, inclusive of intervals for rest, shall not exceed thirteen hours in any one day;

(iii) the total number of hours of work in any week, including overtime, shall not exceed sixty;

(iv) no worker shall be allowed to work overtime, for more than seven days at a stretch and the total number of hours of overtime work in any quarter shall not exceed seventy-five.

*Explanation.*—In this sub-section "quarter" has the same meaning as in sub-section (4) of section 64.';

(b) sub-section (4) shall be omitted.

29. *Amendment of section 66.*—In section 66 of the principal Act, in sub-section (1), in clause (b),—

(i) in the opening paragraph, for the words "employed in any factory", the words "required or allowed to work in any factory" shall be substituted;

(ii) in the proviso, for the words "any class or description of factories", the words "any factory or group or class or description of factories" shall be substituted.

30. *Amendment of section 73.*—In section 73 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No child worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of child workers.";

31. *Amendment of section 78.*—In section 78 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening paragraph for the word "agreement", the words and brackets "agreement (including settlement)" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that if such award, agreement (including settlement) or contract of service provides for a longer annual leave with wages than provided in this Chapter, the quantum of leave, which the worker shall be entitled to, shall be in accordance with such award, agreement or contract of service, but in relation to matters not provided for in such award, agreement or contract of service or matters which are provided for less favourably therein, the provisions of sections 79 to 82, so far as may be, shall apply.";

(b) in sub-section (2), for the words "in any workshop", the words "in any factory" shall be substituted.

**32. Amendment of section 79.**—In section 79 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death calculated at the rates specified in sub-section (1), even if he had not worked for the entire period specified in sub-section (1) or sub-section (2) making him eligible to avail of such leave, and such payment shall be made—

(i) where the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the date of such discharge, dismissal or quitting; and

(ii) where the worker is superannuated or dies while in service, before the expiry of two months from the date of such superannuation or death.";

(b) in sub-section (5), in the second proviso,—

(i) after the words, brackets and figures "in sub-sections (8) and (9)" the words, brackets and figures "or in contravention of sub-section (10)" shall be inserted;

(ii) for the words "unavailed leave", the words "leave refused" shall be substituted.

**33. Amendment of section 80.**—In section 80 of the principal Act, in sub-section (1),—

(i) for the word and figures "section 79", the words and figures "section 78 or section 79, as the case may be" shall be substituted;

(ii) for the words "he worked", the words "he actually worked" shall be substituted.

**34. Amendment of section 84.**—In section 84 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

**"Explanation.**—For the purposes of this section, in deciding whether the benefits which are provided for by any leave rules are less favourable than those for which this Chapter makes provision, or not, the totality of the benefits shall be taken into account."

**35. Amendment of section 86.**—In section 86 of the principal Act, in the opening paragraph, for the word "training", the words "training, research" shall be substituted.

**36. Amendment of section 87.**—In section 87 of the principal Act,—

(a) for the word "operation", wherever it occurs, the words "manufacturing process or operation" shall be substituted;

(b) in clause (c), the following words shall be inserted at the end, namely:—

"and requiring the payment by the occupier of the factory of fees for such medical examination";

(c) after clause (e), the following clauses shall be inserted, namely:—

"(f) requiring the provision of additional welfare amenities and sanitary facilities and the supply of protective equipment and clothing, and laying down the standards thereof, having regard to the dangerous nature of the manufacturing process or operation;

(g) providing for issue of orders in writing by the Inspector or the Chief Inspector to the manager or occupier or both of the factory directing them to carry out such measures, and within such time, as may be specified in such order with a view to removing conditions dangerous to the health of the workers, or to suspend any process, where such process constitutes, in the opinion of the Inspector or the Chief Inspector, as the case may be, imminent danger of poisoning or toxicity".

**37. Amendment of section 88.**—Section 88 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Where a notice given under sub-section (1) relates to an accident causing death, the authority to whom the notice is sent shall make an inquiry into the occurrence within one month of the receipt of the notice or, if such authority is not the Inspector, cause the Inspector to make an inquiry within the said period.

(3) The State Government may make rules for regulating the procedure at inquiries under this section."

**38. Insertion of new section 88A.**—After section 88 of the principal Act, the following section shall be inserted, namely:—

**"88A. Notice of certain dangerous occurrences.**—Where in a factory any dangerous occurrence of such nature as may be prescribed occurs, whether causing any bodily injury or disability or not, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed."

**39. Insertion of new section 91A.**—In Chapter IX of the principal Act, after section 91, the following section shall be inserted, namely:—

**"91A. Safety and occupational health surveys.**

(1) The Chief Inspector, or the Director General of Factory Advice Service and Labour Institutes, or the Director General of Health Services, to the Government of India, or such other officer as may be authorised in this behalf by the State Government or the Chief Inspector or the Director General of Factory Advice Service and Labour Institutes or the Director General of Health Services may, at any time during the normal working hours of a factory, or at any other time as is found by him to be necessary, after giving

notice in writing to the occupier or manager of the factory or any other person who for the time being purports to be in charge of the factory, undertake safety and occupational health surveys and such occupier or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.

(2) For the purpose of facilitating surveys under sub-section (1) every worker shall, if so required by the person conducting the survey, present himself to undergo such medical examination as may be considered necessary by such person and furnish all information in his possession and relevant to the survey.

(3) Any time spent by a worker for undergoing medical examination or furnishing information under sub-section (2) shall, for the purpose of calculating wages and extra wages for overtime work, be deemed to be time during which such worker worked in the factory."

**40. Amendment of section 92.** — In section 92 of the principal Act,—

(a) for the words "five hundred rupees", the words "two thousand rupees" shall be substituted;

(b) the following proviso and *Explanation* shall be inserted at the end, namely:—

'Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than one thousand rupees in the case of an accident causing death, and five hundred rupees in the case of an accident causing serious bodily injury.'

*Explanation.* — In this section and in section 94 "serious bodily injury" means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot.'

**41. Amendment of section 94.** — Section 94 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so re-numbered,—

(i) in the opening paragraph, for the words "which may extend to one thousand rupees", the words "which shall not be less than two hundred rupees but which may extend to five thousand rupees" shall be substituted;

(ii) for the proviso, the following provisos shall be substituted, namely:—

"Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than two hundred rupees:

Provided further that where contravention of any of the provisions of Chapter IV or any

rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than two thousand rupees in the case of an accident causing death and one thousand rupees in the case of an accident causing serious bodily injury.";

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) For the purposes of sub-section (1), no cognizance shall be taken of any conviction made more than two years before the commission of the offence for which the person is subsequently being convicted."

**42. Amendment of section 100.** — In section 100 of the principal Act, in sub-section (2),—

(a) in the opening paragraph, the words "or in the case of a private company, any one of the shareholders thereof," shall be omitted;

(b) in the proviso,—

(i) for the words "a director, or in the case of a private company, a shareholder, who is resident in either case within India", the words "a director, who is resident within India" shall be substituted;

(ii) for the words "such director or shareholder, as the case may be,", the words "such director" shall be substituted;

(iii) for the words "ceases to be a director or shareholder", the words "ceases to be a director" shall be substituted;

(c) the following proviso shall be inserted at the end, namely:—

"Provided further that in the case of a factory belonging to the Central Government or any State Government or any local authority the person or persons appointed to manage the affairs of the factory shall be deemed to be the occupier of that factory for the purposes of this Chapter."

**43. Amendment of section 106.** — In section 106 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.* — For the purposes of this section,—

(a) in the case of a continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues;

(b) where for the performance of any act time is granted or extended on an application made by the occupier or manager of a factory, the period of limitation shall be computed from the date on which the time so granted or extended expired."

**44. Insertion of new section 119.** — After section 118 of the principal Act, the following section shall be inserted, namely:—

**119. Act to have effect notwithstanding anything contained in Act 37 of 1970.** — The provisions of this Act shall have effect notwithstanding any-



wing grain" shall be *deleted* and the remaining entries Nos. (4) to (9) shall be renumbered as (3) to (8);

(iv) against item No. 10. Madhya Pradesh, under column 2, the entry "(3) Cultivator winnowing grain" shall be *deleted* and the remaining entries Nos. (4) to (12) shall be renumbered as (3) to (11);

(v) against item No. 22. West Bengal, under column 2, the entry "(15) Plough" shall be *deleted* and the remaining entries Nos. (16) to (25) shall be renumbered as (15) to (24);

(vi) against item No. 24. Arunachal Pradesh, under column 2, the entries "(8) Mithun", "(9) Plough" and "(11) Rising Sun" shall be *deleted* and the entry at S. No. (10) shall be renumbered as (8) and entries at S. Nos. (12) to (16) shall be renumbered as (9) to (13).

[No. 56/77-X]

By Order,

(V. NAGASUBRAMANIAN)

Secretary.

New Delhi, dated 11 May, 1977  
Vaisakha 21, 1899(S)

**Notification**

S.O.—Whereas by its order dated 11 May, 1977, under paragraph 16 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission has decided that the Janata Party formed as a result of the amalgamation of four National Parties, namely: 1. Indian National Congress (Organisation), 2. Bharatiya Jana Sangh, 3. Bharatiya Lok Dal and 4. Socialist Party, shall

be a National Party and that the symbol "Haldhar within wheel (Chakra Haldhar)" shall be reserved for it;

And whereas the Commission has further decided in the said order that the names of the four National Parties, namely: 1. Indian National Congress (Organisation), 2. Bharatiya Jana Sangh, 3. Bharatiya Lok Dal and 4. Socialist Party should be deleted from the list of National Parties and that the reserved symbols 1. "Charkha being plied by a woman"; 2. "Lamp" and 3. "Tree", should be frozen;

Now, therefore, in pursuance of clause (a) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Commission hereby makes the following amendments to its notification No. 56/77—II, dated 9 February, 1977, published as S.O. 152(E) in the Gazette of India, Extraordinary, Part II, section 3(ii), dated 9 February, 1977, and as amended from time to time namely—

In TABLE 1 appended to the said notification, for the existing entries, the following entries shall be substituted:—

1. Indian National Congress — Calf and Cow
2. Communist Party of India — Ears of corn and sickle
3. Communist Party of India (Marxist) — Hammer, Sickles and Star
4. Janata Party — Haldhar within wheel (Chakra Haldhar)".

[No. 56/77-XI]

By order,

(V. NAGASUBRAMANIAN)  
Secretary.